

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Document #

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U.S.C.A. #

U.S.D.C. #

08-cv-6101

JUDGE:

KMW

DATE:

AUGUST 22, 2008*Miller-Hyman*

-v-

Houlihan et al
INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME):

THOMAS R. PISARCZYK

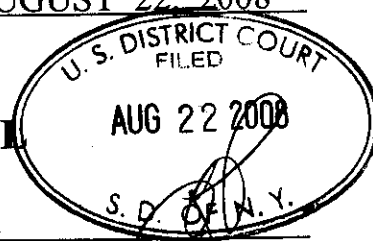
FIRM:

U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK

ADDRESS:

500 PEARL STREET, ROOM 370**NEW YORK, NEW YORK 10007**

PHONE NO.:

(212) 805 - 0636
DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

☒ Original Record

☐ Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 22ND Day of August, 2008.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

U.S.C.A. # _____

Miller - Heyman

U.S.D.C. # 08-W-6101

-v-

JUDGE: KMW

Houlihan, et al

DATE: AUGUST 22, 2008

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 4, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

_____	_____
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In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 22ND Day of August In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233RD year.

J. Michael McMahon, Clerk

By 
Deputy Clerk

APPEAL, CLOSED, HABEAS, LEAD, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-06101-KMW
Internal Use Only

Miller-Hyman v. Hourihane et al
Assigned to: Judge Kimba M. Wood
Member case: (View Member Case)
Cause: 28:2241 Petition for Writ of Habeas Corpus (federa

Date Filed: 07/02/2008
Date Terminated: 07/02/2008
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: Federal Question

Date Filed	#	Docket Text
07/02/2008	1	PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2241. Document filed by Jerrell Miller-Hyman.(laq) (Entered: 07/16/2008)
07/02/2008		Magistrate Judge Kevin N. Fox is so designated. (laq) (Entered: 07/16/2008)
07/02/2008	2	ORDER OF DISMISSAL, The Court directs the Clerk of Court to assign docket numbers to this action, orders that these petitions(08-cv-6101 & 08-cv-6102) be consolidated for the purpose of this order, but dismisses the petitions without prejudice. Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C.2241 is dismissed without prejudice. Once he has been convicted and he has exhausted his state court remedies, petitioner may file a new petition under 28 U.S.C.2253 within one-year limitation period challenging his conviction. Should petitioner file a new application for habeas corpus relief after fully exhausting his state court remedies, he need not seek permission from the United States Court of Appeals for the Second Circuit before filing it in the district court.As petitioner has not made a substantial showing of the denial of a constitutional, a certificate of appealability will not issue. The Court certifies pursuant to 28 U.S.C.1915(a) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 7/2/08) (laq) Modified on 7/16/2008 (laq). (Entered: 07/16/2008)
07/02/2008	3	JUDGMENT. Ordered, Adjudged and Decreed: That the petition is hereby dismissed.... a certificate of appealability will not issue.... We certify pursuant to 28 U.S.C. 1915(a) that any appeal from the Court's order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 7/2/08) (laq) (Entered: 07/16/2008)
08/13/2008	4	NOTICE OF APPEAL from 3 Judgment - Sua Sponte (Petition), 2 Order Dismissing Petition. Document filed by Jerrell Miller-Hyman. Copies mailed to attorney(s) of record: Corporation Counsel. (tp) (Entered: 08/22/2008)
08/13/2008		Appeal Remark as to 4 Notice of Appeal filed by Jerrell Miller-Hyman. \$455.00 APPEAL FEE DUE. IFP REVOKED 7/2/08. COA DENIED 7/2/08.(tp) (Entered: 08/22/2008)
08/22/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 4 Notice of Appeal. (tp) (Entered: 08/22/2008)
08/22/2008		Transmission of Notice of Appeal to the District Judge re: 4 Notice of Appeal. (tp) (Entered: 08/22/2008)